

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

VALERIE KLOOSTERMAN,

Plaintiff,

v.

Case No. 1:22-cv-00944

Hon. Jane M. Beckering

METROPOLITAN HOSPITAL, d/b/a
UNIVERSITY OF MICHIGAN HEALTH-WEST;
RAKESH PAI, an individual; RHAE-ANN
BOOKER, an individual; MARLA COLE, an
individual; THOMAS PIERCE, an individual; and
CATHERINE SMITH, an individual

Defendants.

**DEFENDANT UNIVERSITY OF MICHIGAN HEALTH WEST'S
MOTION TO DISMISS PLAINTIFF'S CORRECTED FIRST AMENDED COMPLAINT**

Defendant University of Michigan Health-West ("UMHW"), by and through its attorneys, HALL, RENDER, KILLIAN, HEATH & LYMAN, PC, respectfully moves to dismiss Plaintiff Valerie Kloosterman's ("Plaintiff") Corrected First Amended Complaint and Jury Demand (ECF No. 32) pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) for the following reasons:

1. Count IV and V against UMHW fail to state a claim on which relief can be granted. Fed. R.Civ. P. 12(b)(6).
2. Counts VI-IX against UMHW are barred by the Eleventh Amendment to the United States Constitution. As a result, this Court lacks subject matter jurisdiction over said claims. Fed. R.Civ. P. 12(b)(1).
3. Counts VI-IX against UMHW also fail to state claims on which relief can be granted. Fed. R.Civ. P. 12(b)(6).

WHEREFORE, Defendant University of Michigan Health-West respectfully requests that this Honorable Court grant its Motion to Dismiss, dismiss all claims alleged against it with prejudice and grant all other relief to which it is entitled.

Respectfully submitted,

HALL RENDER KILLIAN HEATH & LYMAN, PC

/s/ Jonathon A. Rabin

Jonathon A. Rabin (P57145)

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